



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/002,685

11/15/2001

Konrad C. Lagarde

POU920010163US1

4648

23334

7590

08/15/2006

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI  
& BIANCO P.L.  
ONE BOCA COMMERCE CENTER  
551 NORTHWEST 77TH STREET, SUITE 111  
BOCA RATON, FL 33487

EXAMINER

NGUYEN, THUONG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,685

Applicant(s)

LAGARDE ET AL.

Examiner

Thuong (Tina) T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-14,16,18-26,28,30-38,40,42-53,55-67,69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-14,16,18-26,28,30-38,40,42-53,55-67,69 and 70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on 6/19/06. Claims 1, 4, 6-7, 13-14, 16, 18-19, 25-26, 28, 30-31, 37, 40, 50-52, 55-56, 59, 65-67 were amended. Claims 3, 5, 15, 17, 27, 29, 39, 41, 54, and 68 were cancelled. Claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 are pending. Claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 represent system, method and computer-readable medium for accessing information using an instant messaging system.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1, 4, 13, 16, 25, 28, 37, 40, 50, 51, 52, 55, 56, 59, 65, 66, 67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's unclear to the examiner what is the calling convention base code? What exactly is the calling convention base code protocol, format?

4. Claims 6-7, 18-19, 30-31, 42-44, 57-59, recites the limitation "API" in the claimed languages. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. Applicant should spell out the completed words which stand for API.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Petrovykh Patent No. US 2002/055975 A1. Petrovykh teaches the invention as claimed including method and apparatus for intelligent routing of instant messaging presence protocol (IMPP) events among a group of customer service representatives (see abstract).

7. As to claim 1, Petrovykh teaches a system, comprising:

a first interface mutually registered with at least one of a plurality of client messaging applications (page 10, paragraph 110 & 112; page 11, paragraph 119; Petrovykh discloses the system that communicates with a plurality of users connected to the interface server for instant message type and status reports of the clients),

the interface for performing the steps of:

receiving a message from a the at least one of the plurality of client messaging applications (page 7, paragraph 73; Petrovykh discloses that the system of receiving and registering a request from users which matches the intent of the user request from the instant message);

a computer communicatively coupled to the first interface, the computer for performing the steps of:

determining the destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the system which determined the third-party presence as being connected through the CSR); and

selecting the third party application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the system of selecting the third party as part of the callback preferences).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention.

However, Auerbach teaches system and method for multi-protocol communication in a computer network (see abstract). Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38);

Art Unit: 2155

transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

8. As to claim 2, Petrovykh and Auerbach teach the system as recited in claim 1, comprises of receiving a message from a client messaging application via the interface, wherein the message includes a request for information (page 7, paragraph 73; Petrovykh discloses that the system of receiving and registering a request from user that matches the intent of the user request from the instant message).

9. As to claim 4, Petrovykh and Auerbach teach the system as recited in claim 2, comprises:

at the second interface, further performing the steps of:

receiving information from the third party application in a return message (page 8, paragraph 86; page 19, paragraph 200; Petrovykh discloses that the system of receiving the request from the user, which is the third party application; Petrovykh also

Art Unit: 2155

discloses that the system which provided the intelligent routing for third-party hosted by IM messaging); and

at the computer, further performing the steps of:

determining the destination of the return message, wherein the destination is a client messaging application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the system which determined the client messaging presence as being connected through the CSR); and

at the first interface, further performing the steps of:

selecting the client messaging application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the system of selecting the client messaging as part of the callback preferences);

transmitting the message to the client messaging application determined to be the destination of the message (page 14, paragraph 157; page 15, paragraph 158; Petrovykh discloses that the system of transmitting the instant message through the agent which perform a variety of tasks based on the client requested).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the return message to the calling convention of the base code; translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message.

However, Auerbach teaches the limitation wherein translating a calling convention of the return message to the calling convention of the base code (col 8, lines 4-38); translating the calling convention of the message in the base code to the calling

convention of the selected client message application determined to be the destination message (col 7, lines 1-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system could interconvert between the common format used by the API and the unique protocol and the service providers. One would be motivated to do so to permits instant messaging to recipients regardless of the recipient's service provide, enable the message to convert to appropriate form.

10. As to claim 6, Petrovykh and Auerbach teach the system as recited in claim 1, wherein the first interface comprises an API for interfacing with a plurality of mutually registered client messaging applications and for registering with at least one of the plurality of client messaging applications (page 12, paragraph 128; Petrovykh discloses that the system comprised the API for the instant messaging service including client and server sides).

11. As to claim 7, Petrovykh and Auerbach teach the system as recited in claim 4, wherein the second interface comprises an API for translating the request for information to the third party application and for translating the return message to the client messaging application (page 8, paragraph 84; Petrovykh discloses that the system for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software) .

12. As to claim 8, Petrovykh and Auerbach teach the system as recited in claim 1, wherein the client messaging application comprises an instant messaging application



Art Unit: 2155

for sending and receiving instant messages (page 8, paragraph 88; page 11, paragraph 116; page 12, paragraph 132; Petrovykh discloses that the system to formulate the response of an instant message and combined the status information for the bi-directional messages).

13. As to claim 9, Petrovykh and Auerbach teach the system as recited in claim 8, wherein the instant messaging application comprises any one of: Lotus Sametime Messaging; America Online Instant Messenger; MSN Messenger Service; Yahoo Messenger; ICQ; Jabber Instant Messaging; and a Telnet utility (page 9, paragraph 95; page 10, paragraph 108; Petrovykh discloses that the system using multiple protocol such as MSN Messenger Service, ICQ).

14. As to claim 10, Petrovykh and Auerbach teach the system as recited in claim 1, wherein the third party application comprises a messaging server (page 11, paragraph 114; Petrovykh discloses that the system for the third party presence service being used in communication center).

15. As to claim 11, Petrovykh and Auerbach teach the system as recited in claim 10, wherein the messaging server comprises any one of: an IBM MQSeries server; a Microsoft Transaction server; a Lotus Domino server; and an LDAP utility (page 17, paragraph 183; Petrovykh discloses that the system for the IMPP service provider such as AOL IM service, IMPP service).

16. As to claim 12, Petrovykh and Auerbach teach the system as recited in claim 4, wherein the third party application retrieves the requested information from any one of: a personal finance database; a stock market database; a personal contact database; a

Art Unit: 2155

web site; an FTP site; and a gopher site (page 7, paragraph 74; Petrovykh discloses that the system which produced the status responded to the user which corresponding to the user requested).

17. As to claim 13, Petrovykh teaches the system, comprising:

a first an interface connected to and mutually registered with client messaging application (page 10, paragraph 110 & 112; page 11, paragraph 119; Petrovykh discloses the system that communicates with a plurality of users connected to the interface server for instant message type and status reports of clients),

the client messaging application for performing the steps of:

receiving a message from the client messaging application via the interface (page 7, paragraph 73; Petrovykh discloses that the system of receiving and registering a request from user that matches the intent of the user request from the instant message); and

a computer communicatively coupled to the first interface, the computer for performing the steps of:

determining the destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the system which determined the third-party presence as being connected through the CSR); and

selecting the third party application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the system of selecting the third party as part of the callback preferences).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

18. As to claim 14, Petrovykh and Auerbach teach the system as recited in claim 13, wherein the message includes a request for information (page 7, paragraph 73;

Art Unit: 2155

Petrovykh discloses that the system of receiving and registering a request from user that matches the intent of the user request from the instant message).

19. As to claim 16, Petrovykh and Auerbach teach the system as recited in claim 13, comprises:

at the second interface, further performing the steps of:

receiving information from the third party application in a return message (page 8, paragraph 86; page 19, paragraph 200; Petrovykh discloses that the system of receiving the request from the user, which is the third party application; Petrovykh also discloses that the system which provided the intelligent routing for third-party hosted by IM messaging); and

at the computer, further performing the steps of:

determining the destination of the return message, wherein the destination is a client messaging application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the system which determined the client messaging presence as being connected through the CSR); and

at the first interface, further performing the steps of:

selecting the client messaging application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the system of selecting the client messaging as part of the callback preferences);

transmitting the message to the client messaging application determined to be the destination of the message (page 14, paragraph 157; page 15, paragraph 158;

Petrovykh discloses that the system of transmitting the instant message through the agent which perform a variety of tasks based on the client requested).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the return message to the calling convention of the base code; translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message.

However, Auerbach teaches the limitation wherein translating a calling convention of the return message to the calling convention of the base code (col 8, lines 4-38); translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message (col 7, lines 1-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system could interconvert between the common format used by the API and the unique protocol and the service providers. One would be motivated to do so to permits instant messaging to recipients regardless of the recipient's service provide, enable the message to convert to appropriate form.

20. As to claim 18, Petrovykh and Auerbach teach the system as recited in claim 13, wherein the first interface comprises an API for interfacing with the client messaging application and for registering with the plurality of client messaging application (page 12, paragraph 128; Petrovykh discloses that the system comprised the API for the instant messaging service including client and server sides).

21. As to claim 19, Petrovykh and Auerbach teach the system as recited in claim 16, wherein the second interface comprises an API for translating the request for information to the third party application determined to be the destination of the message and for translating the return message to the client messaging application (page 8, paragraph 84; Petrovykh discloses that the system for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software).

22. As to claim 20, Petrovykh and Auerbach teach the system as recited in claim 13, wherein the client messaging application comprises an instant messaging application for sending and receiving instant messages (page 8, paragraph 88; page 11, paragraph 116; page 12, paragraph 132; Petrovykh discloses that the system to formulate the response of an instant message and combined the status information for the bi-directional messages).

23. As to claim 21, Petrovykh and Auerbach teach the system as recited in claim 20, wherein the instant messaging application comprises any one of: Lotus Sametime Messaging; America Online Instant Messenger; MSN Messenger Service; Yahoo Messenger; ICQ; Jabber Instant Messaging; and a Telnet utility (page 9, paragraph 95; page 10, paragraph 108; Petrovykh discloses that the system using multiple protocol such as MSN Messenger Service, ICQ).

24. As to claim 22, Petrovykh and Auerbach teach the system as recited in claim 13, wherein each of the plurality of third party applications comprise a messaging server

(page 11, paragraph 114; Petrovykh discloses that the system for the third party presence service being used in communication center).

25. As to claim 23, Petrovykh and Auerbach teach the system as recited in claim 22, wherein the messaging server comprises any one of: an IBM MQSeries server; a Microsoft Transaction server; a Lotus Domino server; and an LDAP utility (page 17, paragraph 183; Petrovykh discloses that the system for the IMPP service provider such as AOL IM service, IMPP service).

26. As to claim 24, Petrovykh and Auerbach teach the system as recited in claim 16, wherein each of the plurality of third party applications retrieve the requested information from any one of: a personal finance database; a stock market database; a personal contact database; a web site; an FTP site; and a gopher site (page 7, paragraph 74; Petrovykh discloses that the system which produced the status responded to the user which corresponding to the user requested).

27. As to claim 25, Petrovykh teaches the system, comprising:

a first interface mutually registered with at least one of a plurality of client messaging applications (page 10, paragraph 110 & 112; page 11, paragraph 119; Petrovykh discloses the system that communicates with a plurality of users connected to the interface server for instant message type and status reports of the clients),

the interface for performing the steps of:

receiving a message from a the at least one of the plurality of client messaging applications (page 7, paragraph 73; Petrovykh discloses that the system of receiving

and registering a request from users which matches the intent of the user request from the instant message);

a computer communicatively coupled to the first interface, the computer for performing the steps of:

determining the destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the system which determined the third-party presence as being connected through the CSR); and

selecting the third party application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the system of selecting the third party as part of the callback preferences).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the



destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

28. As to claim 28, Petrovykh and Auerbach teach the system as recited in claim 26, comprises:

at the second interface, further performing the steps of:

receiving information from the third party application in a return message (page 8, paragraph 86; page 19, paragraph 200; Petrovykh discloses that the system of receiving the request from the user, which is the third party application; Petrovykh also discloses that the system which provided the intelligent routing for third-party hosted by IM messaging); and

at the computer, further performing the steps of:

determining the destination of the return message, wherein the destination is a client messaging application (page 11, paragraph 114; page 17, paragraph 177;

Art Unit: 2155

Petrovykh discloses that the system which determined the client messaging presence as being connected through the CSR); and

at the first interface, further performing the steps of:

selecting the client messaging application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the system of selecting the client messaging as part of the callback preferences);

transmitting the message to the client messaging application determined to be the destination of the message (page 14, paragraph 157; page 15, paragraph 158; Petrovykh discloses that the system of transmitting the instant message through the agent which perform a variety of tasks based on the client requested).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the return message to the calling convention of the base code; translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message.

However, Auerbach teaches the limitation wherein translating a calling convention of the return message to the calling convention of the base code (col 8, lines 4-38); translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message (col 7, lines 1-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system could interconvert between the common format used by the API and the unique protocol and the service

providers. One would be motivated to do so to permits instant messaging to recipients regardless of the recipient's service provide, enable the message to convert to appropriate form.

29. As to claim 30, Petrovykh and Auerbach teach the system as recited in claim 25, wherein the first interface comprises an API for interfacing with a plurality of mutually registered client messaging applications and for registering with at least one of the plurality of client messaging applications (page 12, paragraph 128; Petrovykh discloses that the system comprised the API for the instant messaging service including client and server sides).

30. As to claim 31, Petrovykh and Auerbach teach the system as recited in claim 28, wherein the second interface comprises an API for translating the request for information to the third party application determined to be the destination of the message and for translating the return message to the client messaging application determined to be the destination of the message (page 8, paragraph 84; Petrovykh discloses that the system for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software).

31. As to claim 32, Petrovykh and Auerbach teach the system as recited in claim 25, wherein each of the plurality of client messaging applications comprise an instant messaging application for sending and receiving instant messages (page 8, paragraph 88; page 11, paragraph 116; page 12, paragraph 132; Petrovykh discloses that the system to formulate the response of an instant message and combined the status information for the bi-directional messages).

32. As to claim 33, Petrovykh and Auerbach teach the system as recited in claim 32, wherein the instant messaging application comprises any one of: Lotus Sametime Messaging; America Online Instant Messenger; MSN Messenger Service; Yahoo Messenger; ICQ; Jabber Instant Messaging; and a Telnet utility (page 9, paragraph 95; page 10, paragraph 108; Petrovykh discloses that the system using multiple protocol such as MSN Messenger Service, ICQ).

33. As to claim 34, Petrovykh and Auerbach teach the system as recited in claim 25, wherein each of the plurality of third party applications comprise a messaging server (page 11, paragraph 114; Petrovykh discloses that the system for the third party presence service being used in communication center).

34. As to claim 35, Petrovykh and Auerbach teach the system as recited in claim 34, wherein the messaging server comprises any one of: an IBM MQSeries server; a Microsoft Transaction server; a Lotus Domino server; and an LDAP utility (page 17, paragraph 183; Petrovykh discloses that the system for the IMPP service provider such as AOL IM service, IMPP service).

35. As to claim 36, Petrovykh and Auerbach teach the system as recited in claim 28, wherein each of the plurality of third party applications retrieve the requested information from any one of: a personal finance database; a stock market database; a personal contact database; a web site; an FTP site; and a gopher site (page 7, paragraph 74; Petrovykh discloses that the system which produced the status responded to the user which corresponding to the user requested).

36. As to claim 37, Petrovykh teaches the method, comprising:

receiving a message from one of a plurality of client messaging applications (page 7, paragraph 73; Petrovykh discloses that the method of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the method which determined the third-party presence as being connected through the CSR);

But Petrovykh failed to teach the claimed limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

37. As to claim 38, Petrovykh and Auerbach teach the method as recited in claim 37, comprises receiving a message from one of a plurality of client messaging applications, wherein the message includes a request for information (page 7, paragraph 73; Petrovykh discloses that the method of receiving and registering a request from user that matches the intent of the user request from the instant message).

38. As to claim 40, Petrovykh and Auerbach teach the method as recited in claim 37, comprising:

at the second interface, further performing the steps of:

receiving information from the third party application in a return message (page 8, paragraph 86; page 19, paragraph 200; Petrovykh discloses that the system of receiving the request from the user, which is the third party application; Petrovykh also discloses that the method which provided the intelligent routing for third-party hosted by IM messaging); and

at the computer, further performing the steps of:

determining the destination of the return message, wherein the destination is a client messaging application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the method which determined the client messaging presence as being connected through the CSR); and

at the first interface, further performing the steps of:

selecting the client messaging application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the method of selecting the client messaging as part of the callback preferences);

transmitting the message to the client messaging application determined to be the destination of the message (page 14, paragraph 157; page 15, paragraph 158; Petrovykh discloses that the method of transmitting the instant message through the agent which perform a variety of tasks based on the client requested).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the return message to the calling convention of the base code; translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message; and

However, Auerbach teaches the limitation wherein translating a calling convention of the return message to the calling convention of the base code (col 8, lines 4-38); translating the calling convention of the message in the base code to the calling convention of the selected client message application determined to be the destination message (col 7, lines 1-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system could interconvert between the common format used by the API and the unique protocol and the service providers. One would be motivated to do so to permits instant messaging to recipients regardless of the recipient's service provide, enable the message to convert to appropriate form.

39. As to claim 42, Petrovykh and Auerbach teach the method as recited in claim 37, comprises receiving, via an API, a message from one of a plurality of client messaging applications, wherein the API interfaces with the plurality of mutually registered client messaging applications and registers with at least one of the plurality of client messaging applications (page 12, paragraph 128; Petrovykh discloses that the method comprised the API for the instant messaging service including client and server sides).

40. As to claim 43, Petrovykh and Auerbach teach the method as recited in claim 40, wherein the translation is performed by an API (page 8, paragraph 84; Petrovykh discloses that the method for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software).

41. As to claim 44, Petrovykh and Auerbach teach the method as recited in claim 43, comprises translating, by the API, the return message to the client messaging application (page 8, paragraph 84; Petrovykh discloses that the method for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software).



42. As to claim 45, Petrovykh and Auerbach teach the method as recited in claim 37, wherein each of the plurality of client messaging applications comprise an instant messaging application for sending and receiving instant messages (page 8, paragraph 88; page 11, paragraph 116; page 12, paragraph 132; Petrovykh discloses that the method to formulate the response of an instant message and combined the status information for the bi-directional messages).

43. As to claim 46, Petrovykh and Auerbach teach the method as recited in claim 45, wherein the instant messaging application comprises any one of: Lotus Sametime Messaging; America Online Instant Messenger; MSN Messenger Service; Yahoo Messenger; ICQ; Jabber Instant Messaging; and a Telnet utility (page 9, paragraph 95; page 10, paragraph 108; Petrovykh discloses that the method using multiple protocol such as MSN Messenger Service, ICQ).

44. As to claim 47, Petrovykh and Auerbach teach the method as recited in claim 37, wherein the third party application comprises a messaging server (page 11, paragraph 114; Petrovykh discloses that the method for the third party presence service being used in communication center).

45. As to claim 48, Petrovykh and Auerbach teach the method as recited in claim 47, wherein the messaging server comprises any one of: an IBM MQSeries server; a Microsoft Transaction server; a Lotus Domino server; and an LDAP utility (page 17, paragraph 183; Petrovykh discloses that the method for the IMPP service provider such as AOL IM service, IMPP service).

Art Unit: 2155

46. As to claim 49, Petrovykh and Auerbach teach the method as recited in claim 40, wherein the third party application retrieves the requested information from any one of: a personal finance database; a stock market database; a personal contact database; a web site; an FTP site; and a gopher site (page 7, paragraph 74; Petrovykh discloses that the method which produced the status responded to the user which corresponding to the user requested).

47. As to claim 50, Petrovykh teaches the method, comprising:

receiving a message from at least one client messaging application (page 7, paragraph 73; Petrovykh discloses that the method of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the method which determined the third-party presence as being connected through the CSR);

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

48. As to claim 51, Petrovykh teaches the method, comprising:

receiving a message from one of a plurality of client messaging applications (page 7, paragraph 73; Petrovykh discloses that the method of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that

the method which determined the third-party presence as being connected through the CSR).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by

the service provider and API and also transfer or route the message based on the headers of the messages.

49. As to claim 52, Petrovykh teaches the computer readable, comprising:

receiving a message from one of a plurality of client messaging applications (page 7, paragraph 73; Petrovykh discloses that the computer readable of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the computer readable which determined the third-party presence as being connected through the CSR).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the

destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

50. As to claim 53, Petrovykh and Auerbach teach the computer readable as recited in claim 52, comprises receiving a message from one of the plurality of client messaging applications, wherein the message includes a request for information (page 7, paragraph 73; Petrovykh discloses that the computer readable of receiving and registering a request from user that matches the intent of the user request from the instant message).

51. As to claim 55, Petrovykh and Auerbach teach the computer readable as recited in claim 53, comprising:

receiving information from the third party application in a return message (page 8, paragraph 86; page 19, paragraph 200; Petrovykh discloses that the method of receiving the request from the user, which is the third party application; Petrovykh also

discloses that the computer readable which provided the intelligent routing for third-party hosted by IM messaging);

determining a destination of the return message, wherein the destination is one of the pluralities of client messaging applications (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the computer readable which determined the client messaging presence as being connected through the CSR);

selecting the client messaging application determined to be the destination of the message (page 12, paragraph 123; Petrovykh discloses that the computer readable of selecting the client messaging as part of the callback preferences); and

transmitting the message to the client messaging application determined to be the destination of the message (page 14, paragraph 157; page 15, paragraph 158; Petrovykh discloses that the computer readable of transmitting the instant message through the agent which perform a variety of tasks based on the client requested).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the return message to the calling convention of the base code.

However, Auerbach teaches the limitation wherein translating a calling convention of the return message to the calling convention of the base code (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system could interconvert between the common format used by the API and the unique protocol and the service providers. One would be motivated to do so to permits instant messaging to recipients

regardless of the recipient's service provide, enable the message to convert to appropriate form.

52. As to claim 56, Petrovykh and Auerbach teach the computer readable as recited in claim 55, comprises translating the base code calling convention of the return message to the calling convention of the client messaging application determined to be the destination of the message (page 18, paragraph 187, 190, 195; page 19, paragraph 207; Petrovykh discloses that the computer-readable of translating the IM protocols into one unified protocol supported by CSRs so that the proxy server could forward the message to the third party, which is the destination clients).

53. As to claim 57, Petrovykh and Auerbach teach the computer readable as recited in claim 52, comprises receiving, via an API, a message from one of a plurality of client messaging applications, wherein the API interfaces with the plurality of mutually registered client messaging applications and registers with at least one of the plurality of client messaging applications (page 12, paragraph 128; Petrovykh discloses that the computer readable comprised the API for the instant messaging service including client and server sides).

54. As to claim 58, Petrovykh and Auerbach teach the computer readable as recited in claim 55, wherein the translation is performed by an API (page 8, paragraph 84; Petrovykh discloses that the computer readable for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software)..

55. As to claim 59, Petrovykh and Auerbach teach the computer readable as recited in claim 58, comprising translation, by the API, the base code calling convention of the



return message to the calling convention of the client messaging application determined to be the destination of the message (page 8, paragraph 84; Petrovykh discloses that the computer readable for compiled and skill levels, language preferences, ranking of the entire configuration of agent monitoring software)..

56. As to claim 60, Petrovykh and Auerbach teach the computer readable as recited in claim 52, wherein the client messaging application comprises an instant messaging application for sending and receiving instant messages (page 8, paragraph 88; page 11, paragraph 116; page 12, paragraph 132; Petrovykh discloses that the computer readable to formulate the response of an instant message and combined the status information for the bi-directional messages).

57. As to claim 61, Petrovykh and Auerbach teach the computer readable as recited in claim 60, wherein the instant messaging application comprises any one of: Lotus Sametime Messaging; America Online Instant Messenger; MSN Messenger Service; Yahoo Messenger; ICQ; Jabber Instant Messaging; and a Telnet utility (page 9, paragraph 95; page 10, paragraph 108; Petrovykh discloses that the computer readable using multiple protocol such as MSN Messenger Service, ICQ).

58. As to claim 62, Petrovykh and Auerbach teach the computer readable as recited in claim 52, wherein the third party application comprises a messaging server (page 11, paragraph 114; Petrovykh discloses that the computer readable for the third party presence service being used in communication center).

59. As to claim 63, Petrovykh and Auerbach teach the computer readable as recited in claim 62, wherein the messaging server comprises any one of: an IBM MQSeries

server; a Microsoft Transaction server; a Lotus Domino server; and an LDAP utility (page 17, paragraph 183; Petrovykh discloses that the computer readable for the IMPP service provider such as AOL IM service, IMPP service).

60. As to claim 64, Petrovykh and Auerbach teach the computer readable as recited in claim 55, wherein the third party application retrieves the requested information from any one of: a personal finance database; a stock market database; a personal contact database; a web site; an FTP site; and a gopher site (page 7, paragraph 74; Petrovykh discloses that the computer readable which produced the status responded to the user which corresponding to the user requested).

61. As to claim 65, Petrovykh teaches the computer readable, comprising:

receiving a message from the client messaging application (page 7, paragraph 73; Petrovykh discloses that the computer readable of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the computer readable which determined the third-party presence as being connected through the CSR).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the

message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

62. As to claim 66, Petrovykh teaches the computer readable, comprising:

receiving a message from at least one of a plurality of client messaging applications (page 7, paragraph 73; Petrovykh discloses that the computer readable of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the computer readable which determined the third-party presence as being connected through the CSR).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to

have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

63. As to claim 67, Petrovykh teaches the method, comprising:

receiving from at least one an instant messaging application an instant message including a request for information (page 7, paragraph 73; Petrovykh discloses that the method of receiving and registering a request from users which matches the intent of the user request from the instant message);

determining a destination of the message, wherein the destination is a third party application (page 11, paragraph 114; page 17, paragraph 177; Petrovykh discloses that the method which determined the third-party presence as being connected through the CSR).

But Petrovykh failed to teach the claim limitation wherein translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translation, the message to the selected third party application determined to be the destination of the message without user intervention.

However, Auerbach teaches the limitation wherein translating a calling convention of the message to a calling convention of a base code (col 7, lines 1-16); translating, in response to the selecting, the message in the calling convention of the

base code to a calling convention of the third party application determined to be the destination of the message (col 8, lines 4-38); transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (col 8, lines 4-38).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petrovykh in view of Auerbach so that the system would convert the outgoing and incoming messages to the appropriate format and will convert to the format that is compatible with the service provider. One would be motivated to do so to have the proper interconversion between the format and message protocol required by the service provider and API and also transfer or route the message based on the headers of the messages.

64. As to claim 69, Petrovykh and Auerbach teach the method as recited in claim 67, comprises receiving from an instant messaging application an instant message including a request for information (page 7, paragraph 73; Petrovykh discloses that the method of receiving and registering a request from user that matches the intent of the user request from the instant message).

65. As to claim 70, Petrovykh and Auerbach teach the method as recited in claim 67, comprising:

receiving information from the third party application (page 8, paragraph 86; page 19, paragraph 200; Petrovykh discloses that the method of receiving the request from the user, which is the third party application; Petrovykh also discloses that the method which provided the intelligent routing for third-party hosted by IM messaging);

generating an instant message including the received information (page 12, paragraph 123; Petrovykh discloses that the method of generating the client messaging as part of the callback preferences); and

sending the generated instant message to the instant messaging application (page 14, paragraph 157; page 15, paragraph 158; Petrovykh discloses that the method of sending the instant message through the agent which perform a variety of tasks based on the client requested).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4, 6-14, 16, 18-26, 28, 30-38, 40, 42-53, 55-67, and 69-70 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments include the failure of previously applied art to expressly disclose translating a calling convention of the message to a calling convention of a base code; translating, in response to the selecting, the message in the calling convention of the base code to a calling convention of the third party application determined to be the destination of the message; and transmitting, in response to the translating, the message to the selected third party application determined to be the destination of the message without further user intervention (see Applicant's response, Date 5/24/06; page 23, 24 & 25, 6<sup>th</sup>, 1<sup>st</sup> and 1<sup>st</sup> paragraphs). It's evident from the detailed mappings found in the above rejection(s) that Petrovykh and Auerbach disclosed this functionality (see Auerbach, col 7, lines 1-28; col 8, lines 4-38; Petrovykh

Art Unit: 2155

and Auerbach disclosed the method, system and computer readable medium which translated or converted the messages to the API and then translated the API format to the compatible service provider and reverse). Further, it's clear from the numerous teachings (previously and currently cited) that the provision for translating a calling convention of the message to a calling convention of a base code and reverse. Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is 571-272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 8:00 AM-5:00 PM.

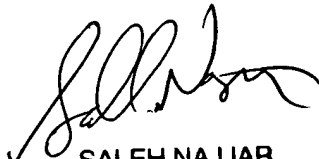
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuong (Tina) Nguyen  
Patent Examiner/Art Unit 2155



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER